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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**Notice of Hearing for USACM  
Liquidating Trust's Motion to  
Authorize First Interim Distribution to  
Unsecured Creditors**

Date of Hearing: October 19, 2009  
Time of Hearing: 3:00 p.m.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed a Motion to Authorize First Interim Distribution to Unsecured Creditors (the "Motion"). In summary, the USACM Trust seeks the Court's authorization to treat certain claims against USA Commercial Mortgage Company ("USACM") as Allowed or Disallowed as set forth

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 on **Exhibit A** to the Motion, and to make an interim distribution of \$20 million to  
2 creditors while reserving some of this amount to cover future distributions to those claims  
3 that are currently unresolved.

4 Attached to the Motion as **Exhibit A** is a schedule that provides the following  
5 information about claim(s): (1) claim number; (2) claim amount; (3) allowed amount;  
6 (4) disallowed amount; and (5) unresolved amount. The version of **Exhibit A** attached to  
7 the Motion filed with the Court is over 230 pages and it covers all affected claims (there  
8 are over 4,000). You can view it online at <http://usacmcucc.bmcgroup.com/default.aspx> or  
9 you can request a copy. The USACM Trust has requested that the Court approve  
10 **Exhibit A** as an accurate statement regarding the status of all unsecured claims, including  
11 your claim(s). Attached to this Notice as **Exhibit A** is the excerpt from the schedule  
12 attached to the Motion as **Exhibit A** that relates to at least one of your claim(s). If the  
13 books and records of USACM show you had more than one claim, or if you filed more  
14 than one proof of claim, you may receive separate notices for different claims. Please  
15 review the attachment.

16 The Trust has filed additional objections to Claims that will be set for hearing by  
17 the Court on October 5 and 19, 2009. The Trust will update **Exhibit A** after those  
18 hearings.

19 If you have any questions regarding **Exhibit A** or the Motion, please contact  
20 Marilyn Schoenike, Certified Legal Assistant, Lewis and Roca LLP,  
21 e-mail [mschoeni@LRLaw.com](mailto:mschoeni@LRLaw.com), 602-262-5314; Brant Fyelling, Sierra Consulting Group,  
22 e-mail [bfyelling@sierracglc.com](mailto:bfyelling@sierracglc.com), 602-424-7009; or undersigned counsel, John Hinderaker.  
23 Please do not contact the Court.

24 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held  
25 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
26 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
**October 19, 2009 at 3:00 p.m.** At the hearing, the Court may grant the Motion, thus

1 approving **Exhibit A** and authorizing the USACM Trust to make an interim distribution  
2 based upon it.

3 **NOTICE IS FURTHER GIVEN** pursuant to Local Rule 9014 that any response to  
4 the Motion must be filed by **October 9, 2009**, and a copy served on the person making the  
5 Motion. The opposition must state your position, set forth all relevant facts and legal  
6 authority, and be supported by affidavits or declarations that conform to Local Rule  
7 9014(c).

8 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
9 pleading with the Court. You *must* also serve your written response on the person who  
10 sent you this notice.

11 If you do not file a written response with the Court, or if you do not serve your  
12 written response on the person who sent you this notice, then:

- 13 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 14 • The Court may *rule against you* without formally calling the matter at the  
15 hearing.

16 Dated: September 15, 2009.

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (AZ #18024)

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